HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.11081 OF 2006

Between:

A.P. Pollution Control Board
Rep. by its Member Secretary, Hyderabad

..... Petitioner

AND

M/s Vijaya Textiles Ltd.,
Hyderabad & others

.....Respondents

:: O R D E R::

Counsel for the Petitioner : Shri S.V. Bhatt

Counsel for Respondent No.1 : None

Dated: 07.09.2006

Per G.S.SINGHVI, CJ

In this petition filed under Article 226 of the Constitution of India, Andhra Pradesh Pollution Control Board has questioned the legality of order dated 16.05.2006 passed by the Appellate Authority constituted under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 insofar as it allowed respondent No.1 to operate the industry for a period of three months.

Sri S.V. Bhatt, learned counsel for the petitioner invited our attention to order dated 30th June, 2006 passed in Writ Petition No.11208 of 2006 and submitted that this petition may be disposed of in similar terms.

We have gone through the order on which reliance has been placed by Sri S.V.Bhatt and are convinced that this writ petition deserves to be allowed because the impugned order has already been quashed in Writ Petition No.11208 of 2006. Ordered accordingly. The detailed reasons recorded in the order passed in Writ Petition No.11208 of 2006 shall be read as part of this order.

However, it is made clear that this order shall not, in any manner, affect the right of respondent No.1 to seek consent from the Board to operate the industry and also challenge closure order dated 27.02.2006 passed by the Board as also the substantive part of the appellate order dated 16.05.2006 passed by the Appellate Authority.

As a sequel to disposal of the main writ petition, W.P.M.P.No.13785 of 2006 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

07.09.2006

ksld